

AMENDED IN ASSEMBLY JANUARY 26, 2012

AMENDED IN ASSEMBLY JANUARY 4, 2012

AMENDED IN ASSEMBLY AUGUST 15, 2011

AMENDED IN ASSEMBLY MAY 18, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1278

Introduced by Assembly Member Hill
(Coauthor: Assembly Member Pan)

February 18, 2011

An act to add Section 1286.5 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1278, as amended, Hill. Health facilities: smoking.

Existing law establishes various programs for the prevention of disease and the promotion of health to be administered by the State Department of Public Health, including, but not limited to, a program for the licensing and regulation of health facilities. A violation of these provisions is a misdemeanor.

Existing law, with certain exceptions, prohibits smoking in patient care areas, waiting rooms, and visiting rooms of specified health facilities, including general acute care hospitals. A violation of these provisions is an infraction. Existing law generally prohibits smoking in the workplace.

This bill would, for a general acute care hospital, instead, prohibit smoking in all areas of the hospital and throughout the entire hospital campus, as specified. The bill would require general acute care hospitals to post specified signs and train employees on the smoking policy.

The bill would specify that the smoking prohibition does not prevent smoking on a hospital campus by a patient if the treating physician determines that the patient's treatment will be substantially impaired by the denial to the patient of the use of tobacco and the physician enters a written order permitting the use of tobacco by that patient.

The bill would also specify that violation of these provisions does not constitute either a misdemeanor or an infraction.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1286.5 is added to the Health and Safety
2 Code, to read:

3 1286.5. (a) It is the intent of the Legislature to encourage and
4 assist smokers to quit tobacco use and to reduce the associated
5 risks of tobacco *and secondhand* smoke to hospital patients, staff,
6 and visitors.

7 (b) Notwithstanding Section 1286, and except as provided in
8 subdivision (c), on and after March 1, 2013, smoking shall be
9 prohibited in all areas of a general acute care hospital and
10 throughout the entire hospital campus, including, but not limited
11 to, buildings, parking areas, plazas, vehicles, underground passages,
12 and sidewalks, unless there is a government-mandated exception.
13 Public thoroughfares and sidewalks adjacent to the general acute
14 care hospital but not owned by the hospital are not subject to this
15 section.

16 (c) (1) This section shall not prevent smoking on a hospital
17 campus by a patient if the treating physician determines that the
18 patient's treatment will be substantially impaired by the denial to
19 the patient of the use of tobacco and the physician enters a written
20 order permitting the use of tobacco by that patient.

21 (2) This section shall not apply to property owned or leased by
22 the hospital that is distinct from, and not part of, the principal
23 medical campus if the property is used for ~~nonhealth~~
24 ~~care-related~~ purposes *unrelated to health care*.

1 (d) A general acute care hospital shall post signs stating that
2 smoking is prohibited on the entire hospital campus at building
3 entrances and in other conspicuous locations. New employees shall
4 be advised of the nonsmoking policy during orientation and current
5 employees shall be informed of the policy at least 60 days prior
6 to implementation.

7 (e) A general acute care hospital may provide interested patients,
8 visitors, and staff with information on, or refer them to, smoking
9 cessation services.

10 (f) A city, county, or city and county may adopt and enforce
11 additional smoking and tobacco control ordinances, regulations,
12 or policies that are no less stringent than the applicable standards
13 under this section.

14 (g) A violation of this section shall not be subject to Section
15 1290.

O